31st July 1965]

கனம் திரு. எம். பக்தவத்சலம்: இதில் பினுமி இல்லை என்று தான் எனக்குப் புலப்படுகிறது. கலெக்டர் எடுத்துக் கொண்டுள்ள நடவடிக்கையில் எனக்குப் பூரணமாக நம்பிக்கை இருக்கிறது.

திரு. ம. கலியாணசுந்தரம்: அவர் எடுத்துக்கொண்டுள்ள நடவடிக்கை சட்டப்படி சரியாக இருக்கலாம். ஆனாலும், நான் சொன்னதுபோல குத்தகைச் சீட்டு பலரிடம் வாங்கப்பட்டிருக்கிறதே தவிர, அதைச் சாகுபடி செய்பவர் பழைய மூலக்குத்தகைக்காரர்தானா, இல்லையா என்பதையாவது கனம் அமைச்சர் அவர்கள் விசாரிப்பார்களா? சர்வோதயச் சங்கத்திடம் கனம் அமைச்சர் அவர்களுக்கு என்ன குறை வேண்டுமானாலும் இருக்கட்டும். ஆனால் இந்த விஷயத்தில். . .

கனம் திரு. எம். பக்தவத்சலம்: எனக்கு சர்வோதயச் சங்கத்திடம் ஒரு குறையும் கிடையாது. அவர்களுக்கு வேண்டிய உதவிகளை எல்லாம் செய்து கொண்டுதான் வருகிறோம். இந்த விஷயத்தில் கலெக்டர் அவர்கள் சரியான முறையில் பரிசீலனை செய்துதான் நடவடிக்கை எடுத்துக் கொண்டிருக்கிறார். இது அவசரப் பிரேரணைக்கு உகந்ததல்ல என்றுதான் வற்புறுத்துகிறேன்.

MR. SPEAKER: The whole difficulty is that the hon. Member, Sri Kalyanasundaram, is not in full possession of the facts relating to the case of the Sarvodaya people.

SRI M. KALYANASUNDARAM: It is true that I have no control over them.

MR. SPEAKER: So, what is the use of arguing the matter over and over again?

I find that there is no case for an adjournment motion, and hence, I withhold my consent to it.

III.—PRIVILEGE MATTER

DELAY IN PLACING THE RULES FRAMED BY THE RURAL DEVELOPMENT AND LOCAL ADMINISTRATION AND REVENUE DEPARTMENTS ON THE TABLE OF THE HOUSE.

MR. SPEAKER: The matter of privilege raised by the hon. Member, Sri M. Kalyanasundaram on 30th July 1965 relates to the failure on the part of the Rural Development and Local Administration and the Revenue Departments to have the rules placed on the Table of the House in time.

In the first case, the rules issued in G.O. Ms. No. 532, Rural Development and Local Administration were published on 4th March 1965, but were sent to the Legislative Assembly Department only on the 8th June 1965 for being placed on the table of the House. In the second case, the rules framed in G.O. Ms. No. 345 and in G.O. Ms. No. 346, Revenue, were published on the 16th and 15th February 1965 and sent to the Legislative Assembly Department on the 21st May 1965. In another case, the rules issued in G.O. Ps. No. 357, Revenue and published on 11th February 1965 were sent to the Legislative Assembly Department on 21st May 1965.

The hon. Member contends that though the rules were published prior to and in March 1965 when the Assembly was sitting, the Departments failed to have them placed on the table of the House before the adjournment of the House at the end of the Budget Session, but only sent them to the Legislative Assembly Department after a delay of two to three months and this, in the opinion of the hon. Member, constitutes contempt of the House.

It is a well known principle of delegated or subordinate legislation that the power of the Government to frame rules under the various statutes are derived from, and are subject to the control of, the Legislature. It is, therefore, provided in the statutes that the rules framed pursuant to such delegation shall be laid on the table of both the Houses of the Legislature and shall be subject to modification or annulment within the prescribed time. It is, therefore, imperative on the part of the Government to lay such rules on the table of the House as directed in the Act, and necessary that strict conformity to the provisions of the statute is observed.

The point at issue is, whether the failure on the part of the Government to place the rules on the table of the House in time can be construed as a contempt of the House and, therefore, a breach of privilege as complained by the hon. Member.

A similar complaint was made by the same hon. Member in 1962 and I observed as follows :—

'In view of the explanation given by the Hon. Leader of the House, I hold that it is not necessary to pursue the matter further. But, I wish to make it clear that the fact that the Court does not invalidate that notification, because it was not placed before the House in time, is not a proper explanation for not placing the notification before the House in time. On the other hand, the responsibility is all the more greater, because there must be some check by the Assembly as provided by the rules.'

If a studied disregard of the provisions of the statute by the departments is manifest, then, definitely the Legislature can think of steps to be taken to correct the concerned persons or departments responsible for the same, and a case of contempt of the House may be inferred. If, on the other hand, the delay or failure is due to inadvertance or negligence, it may not amount to contempt of the House and, hence, it may not be viewed as breach of privilege.

In the instant cases, there seem to be no justifiable or acceptable reason for the delay inasmuch as, at the time the rules were published, the Assembly was in session and the departments could have within a reasonable time—two or three weeks—caused the rules to be placed on the table of the House. This has not been done.

[Mr. Speaker.]

This House may take a serious view of the matter that in spite of the fact that the same question was raised on the floor of the House in 1962 and that the lapses on the part of the departments have been repeatedly pointed out in the various reports of the Committee on Subordinate Legislation, the departments have not corrected themselves and realised their responsibilities. But, I cannot find any precedent in which such matters have been referred to the Privileges Committee or a decision has been taken as a breach of privilege. Therefore, I do not want to precipitate the matter, since the Legislature and the Executive are only two wings of the State. But I want to impress on the Hon. Ministers that they may issue suitable directions and see that the departments under their control place the rules framed pursuant to delegated legislation with the least possible delay on the table of the House and avoid such complaints, and that the departments may realise the gravity involved in such cases. There I leave it.

IV.—CALLING ATTENTION TO NON-AVAILABILITY OF PIG IRON

திரு. து. ப. அழகமுத்து: கனம் சபாநாயகர் அவர்களே, "தமிழ் நாட்டில் உள்ள வார்ப்பட தொழிற்சாலைகள் தேனிரும்பு கிடைக்காத காரணத்தால் நன்கு இயங்க முடியாமல் இருக்கிற நிலை குறித்த அவசரப் பொது முக்கியத்துவம் வாய்ந்த விஷயத்தை கனம் தொழில் அமைச்சர் அவர்களின் கவனத்திற்கு 41-வது விதியின் கீழ்க் கொண்டு வருகிறேன்.

* THE HON. SRI R. VENKATARAMAN: Mr. Speaker, Sir, I wish to make the following statement:—

In order to distribute the available Pig Iron on an equitable basis, the Government of India introduced a scheme with effect from 1st April 1963, according to which each foundry would receive pig iron, during 1963–64, only to the extent of its annual requirement fixed by the respective sponsoring authority in suitable instalments. The Director of Industries and Commerce sponsored a total demand of 26,545 M. Tonnes of Pig Iron, against which only 9,553 M. Tonnes were allotted to the foundaries since the total demand in India was as high as 2 million tonnes, while the total production coupled with import stood at about 1.2 million tonnes. The Government of India stated that the pig iron quota for the Small Scale Foundries of the Madras State for the year 1964–65, has, however, been increased to 11,830 tonnes as against 9,553 tonnes allotted during 1963–64.

In August 1964 the Indian Chamber of Commerce, Coimbatore requested for the allotment of pig iron to the Engineering foundries in the Small Scale Industries in Coimbatore which were estab-